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**HISTORIC PRESERVATION REVIEW BOARD  
STAFF REPORT AND RECOMMENDATION**

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Landmark/District:	<b>The Yellow Tavern/Georgetown Historic District</b>	(x) Consent
Address:	<b>1524 33<sup>rd</sup> Street NW</b>	
Meeting Date:	<b>December 15, 2022</b>	(x) Subdivision
Case Number:	<b>22-313</b>	(x) New construction
		(x) Concept

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The applicant, Overmyer Architects, architect and agent for property owner 1524 33<sup>rd</sup> St NW LLC (Coba Properties), requests Board review of a concept to subdivide Assessment and Taxation Lot 889 in Square 1254 into three lots in order to construct two three-story rowhouses facing Volta Place. The new construction is subject to review by the U.S. Commission of Fine Arts pursuant to the Old Georgetown Act, and the Commission has been reviewing the evolution of the project, recommending approval of a concept on September 15, with permit-level review to follow.

The Old Georgetown Act does not reference subdivisions, so they are subject only to Historic Preservation Review Board review—and to Mayor’s Agent review, when necessary.

In another case, the Board is considering a requested revocation of landmark designation of this property. Whether it remains a landmark or only a contributing building matters little for the Board’s review process. The Board may have the opportunity to decide whether a landmark merits a higher scrutiny with regard to this sort of proposal. A division of a landmark into smaller parts would have to proceed to the Mayor’s Agent. A subdivision of a contributing property need not, if the Board finds it compatible and sufficiently retentive of the character of the property.

#### **New construction**

As stated above, the design of the Volta Place houses has been reviewed by the Commission of Fine Arts. The Commission recommended the flat-fronted Option B of the new-construction alternatives. Although this Board need not consider a Georgetown project that the Commission is reviewing (D.C. Official Code § 6-1107(b)), the nature and extent of the new construction is nonetheless subject to HPRB review, and the Board may take up the design if it wishes, especially as context for consideration of the compatibility of the proposed subdivision. The issue the Board *must* address is subdivision.

Two more-modest frame houses had stood on the Volta Place portion of the present lot from at least the 1850s (according to the 1861 Albert Boschke map) until about 1950, and that is a compelling argument that *some* subdivision and new construction on Volta is consistent and compatible with the character of the historic district and with the character of this property during Georgetown’s period of significance. Construction at that location will push the existing

parking away from the street to the interior of the block, where there are accessory structures and some other parking now reached by a driveway/easement. The proposed houses are larger than what once stood there, but they are not incompatible with the Volta Place context; a mansarded three stories is not out of place on a block of two-story, two-and-a-half-story and three-story (3318 and 3320 Volta) buildings.

### **Subdivision**

HPO staff is delegated the review of only those subdivisions that constitute compatible and “minor or insignificant lot changes”. The Board must review greater re-drawing or erasures of lot lines directly, or by approving as compatible a construction project that necessitates such a subdivision (10C DCMR § 320.3). When a historic landmark is to be divided, the matter must be referred to the Mayor’s Agent (D.C. Code § 6-1106; 10C DCMR § 403.1(b)).

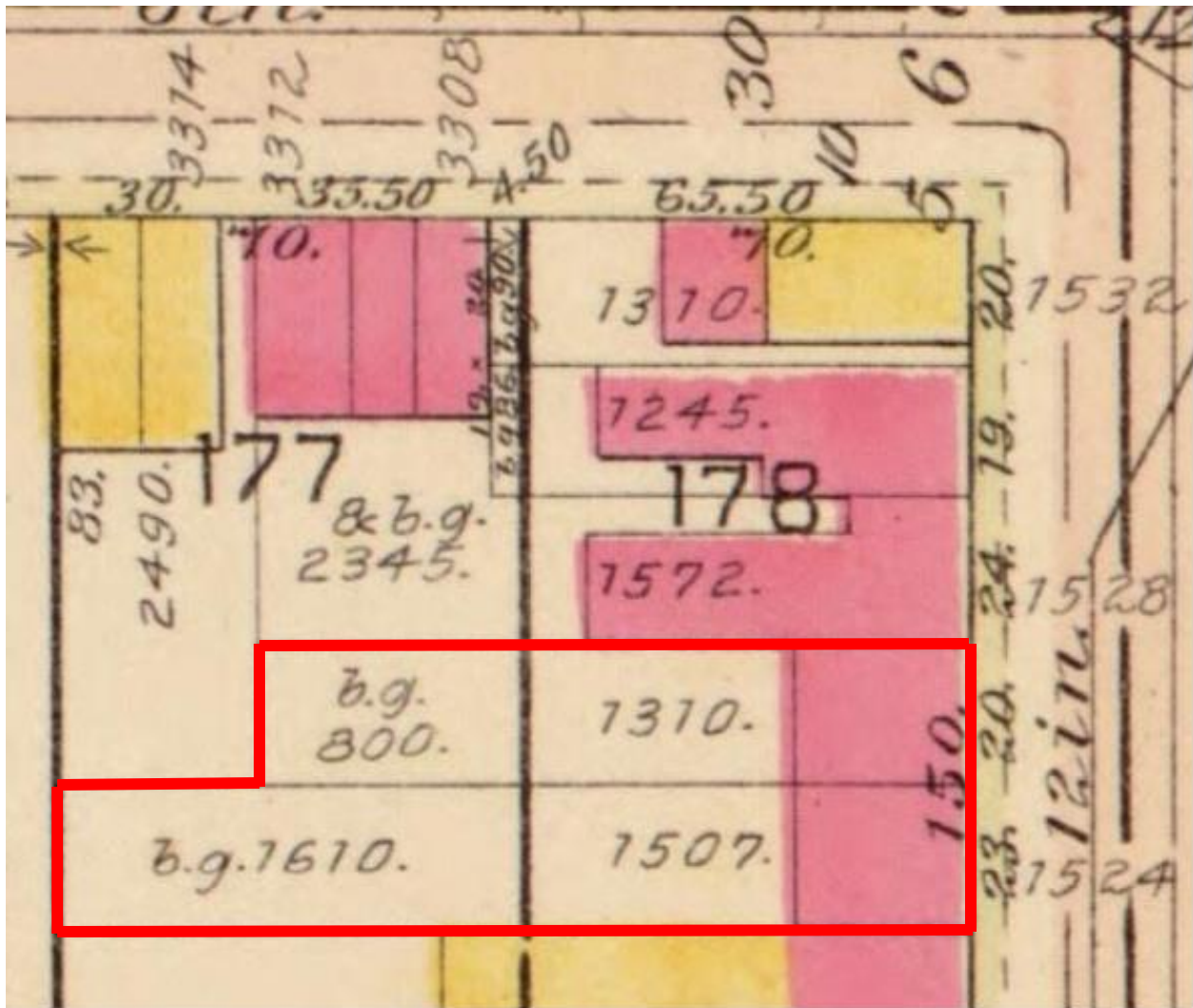
The proposed subdivision into three lots is depicted on page 5 of this report and on Sheet A001 of the application, with the corresponding site plans on the following sheet. At the time of writing, the subject building(s) at 1524 33<sup>rd</sup> Street comprise a historic landmark, designated by the Joint Committee on Landmarks in 1964 as the eighteenth-century Yellow Tavern.

The proposal raises two questions: whether it is appropriate to divide the rear of the lot from the remainder of the property, and whether the further division of that rear lot is compatible with the character of the historic district in terms of its potential for construction. The presented drawings depict what is likely to be built, and the sizes of the proposed lots preclude much more. Most important is whether the subdivision would leave the historic building on a suitable lot that sufficiently retains its extent and character.

First, we should summarize the history of the lot(s). The present property is located straddling portions of lots 177 and 178 of the original Beatty & Hawkins’ subdivision of the square. Georgetown was less densely built when the subject houses were erected, but they do not appear to have been the only structures upon these two lots. In any case, the “small house” that now comprises the south wing of 1524 33<sup>rd</sup> had been separated from the lot that held the “big house” by the turn of the nineteenth century, and it was owned and occupied separately. Indeed, the dwellings were likely built by different owners, with the big house likely being erected with 1528 Wisconsin as an abutting pair. Ownership of the big house (the former 1526) and 1528 33<sup>rd</sup> remained unified until the 1870s or early 1880s.

It was shortly thereafter, during the ownership of the Offutt family, that 1524 and 1526 came into common ownership, but not until 1927 that these properties were connected and united as 1524 33<sup>rd</sup>. The lots, however, were not immediately replatted or renumbered (see the map on the next page).

As mentioned above, upon the Volta Street frontage of the current Lot 889 had stood twin frame houses since at least the 1850s and until 1950. If this parcel had ever been a rear yard to the extant Federal-era houses, that use had ceased at least 90 years earlier. The demolition of the frame houses by Charles Chillingworth was to extend his back yard to provide access and parking off Volta and a place for a swimming pool.



*Above: A detail from the 1903 Baist's Real Estate Atlas of Surveys of Washington, District of Columbia. The superimposed bold red line circumscribes the lots assembled by the Offutt family, then purchased by Madeline McCandless (1927) and Ethel Small (1935) and Charles Chillingworth (1949). The two frame (yellow) houses on Lot 177 stood before 1859 and were razed about 1950.*

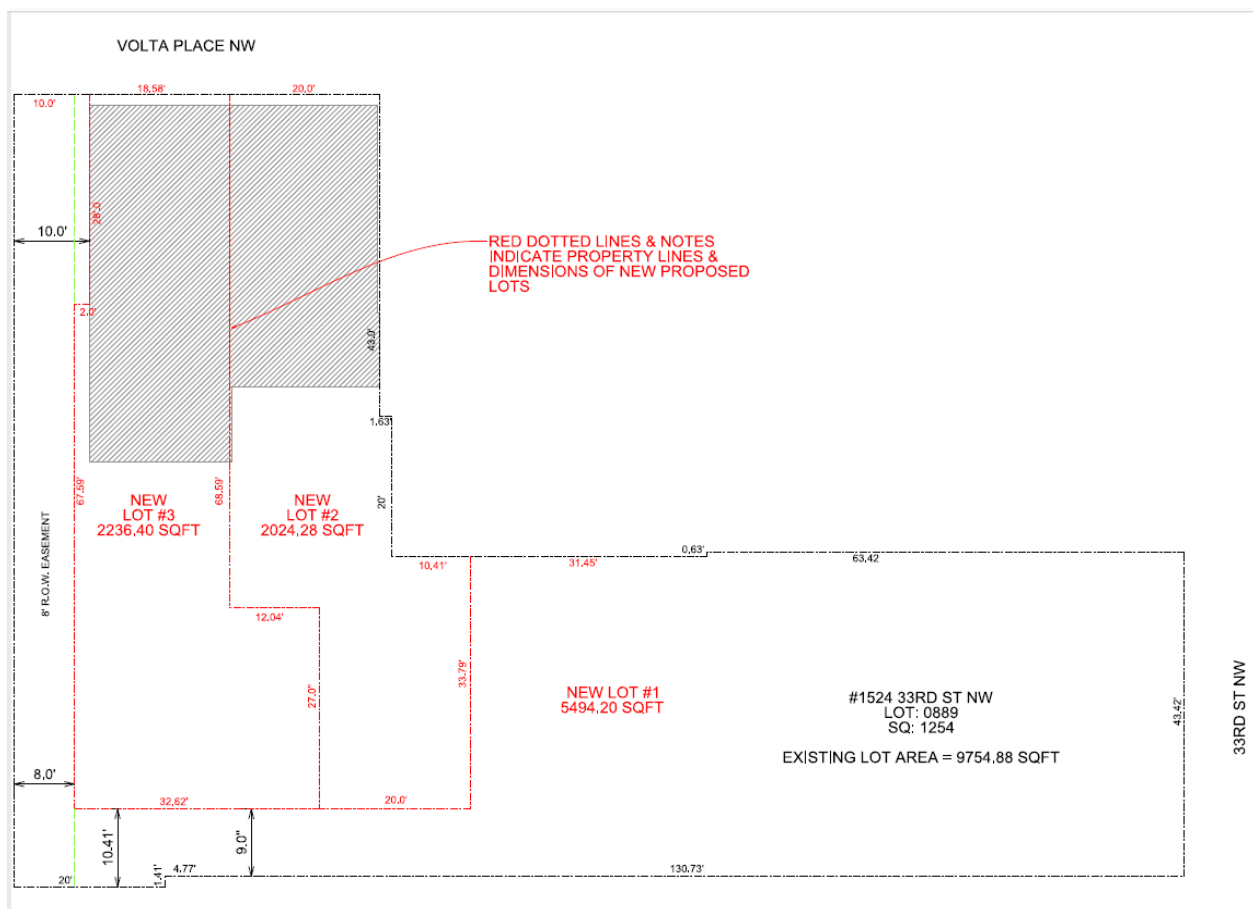
Today's A&T Lot 889, which effectively combined the several earlier lots, was created only in 1974 (see below plat).<sup>1</sup> Although it consolidated the former Chillingworth property, its creation postdated the Joint Committee on Landmarks designation. In those days, the Joint Committee did not even set boundaries for designations. It listed only addresses of prominent buildings, because there were no regulatory "teeth" to designation. So, it is unclear what extent of property was designated by the later incorporation of the Joint Committee list into the D.C. Inventory of Historic Sites, but it is presently a lot that contains a landmark.

<sup>1</sup> District of Columbia Office of the Surveyor, Assessment and Taxation Lot Book 30, page 3621-A. At the time, it consolidated the former A&T lots 887 (1524 33rd) and 873 (fronting Volta Place and dating to 1949). An assessment and taxation lot—created for those two purposes—overlays, but does not necessarily extinguish, earlier lots of record. Assessment and taxation lots have historically been given 800-series numbers to distinguish them from lots of record, condominium units, and air-rights “lots”.



If the functional, if not formal, 1949-1950 expansion of the 1524 33<sup>rd</sup> Street parcel is important for its connection to Admiral Charles Chillingworth, it is only so for serving as his back yard at the end of the historic district's period of significance. That parcel's earlier and longer association with a couple of houses seems more important, and restoring residences to Volta Place is at least compatible with the property and district, if not even desirable for pushing the parking away from that street.

It would certainly be neater if the new project did not extend beyond the boundaries of A&T Lot 873, depicted on the last page and extinguished in 1974. That would keep intact the 1524 33<sup>rd</sup> lots more or less as the Offutts, Miss McCandless, and Mrs. Small had known them. But zoning regulations dictate a minimum lot size for new construction, and that fact, plus the retention of an existing driveway over which a neighbor holds an easement, nudges the new lots into the rear of the historic ones.<sup>2</sup>



Legally, a subdivision does not reduce the area of the designated landmark, whatever that might be. But even if the parcel is physically divided by fences along the proposed boundaries, the remaining 33<sup>rd</sup> Street lot will still be sufficiently deep to protect the late-eighteenth-century

<sup>2</sup> If this were an important enough issue, the new houses could theoretically be shifted west, with the driveway entering east of them. That way, the driveway could restore more of the rear of 1524, while the new houses could make use of the greater area now occupied by the driveway. But the existing easement would presumably preclude this, and such a move seems unnecessary in any case. It would not be ideal to abut 3316 Volta Place, which is farther recessed from the street and would be sandwiched by taller buildings.

buildings and retain their context, leaving about thirty feet between the deepest addition and the shallowest rear lot line. The most significant contextual feature of the rear yard is that it is occupied by substantial twentieth-century additions that largely obscure the historic buildings from that direction.<sup>3</sup> Having to meet the zoning constraints results in irregular back yards for all the resultant lots but, if the imaginary lines manifest as fences and sheds, it will be perceptible mainly from upper stories of adjoining properties and little affect the character of this property or the historic district.

### **Recommendation**

*HPO recommends that the Board approve the concept for the project, including the necessary subdivision, as compatible with and sufficiently retentive of the character and fabric of the property and the historic district and, therefore, consistent with the purposes of the preservation law. HPO further recommends that the Board delegate to staff further review, with the understanding that the permit application will also be reviewed by the U.S. Commission of Fine Arts. If the Board upholds the landmark designation of the property, then any approval of the subdivision will remain subject to Mayor's Agent review.*

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<sup>3</sup> Photograph 26 in the appendix of the current delisting nomination gives a sense of that view and is taken not far from where the predominant rear lot line would be drawn.